## IN THE UNITED STATES DISTRICR COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION	)
INJURY LITIGATION	) MDL No. 2323
This document relates to:	) NOTICE OF ATTORNEY'S
Levi Johnson	) NOTICE OF ATTORNEY'S ) LIEN
Case No. 12-md-2323	)
	)

## PETITION TO ESTABLISH ATTORNEY'S LIEN

Now comes the Petitioner James R. Acho for Cummings, McClorey, Davis & Acho, P.L.C. ("CMDA") pursuant to *Bennett v. Weitz*, 220 Mich. App. 295, 297; 559 N.W.2d 354 (1996), and the executed "Contingency Fee Agreement" and states as follows:

- 1. The Petitioner is an attorney at law, and files this Petition to establish his and CMDA's lien for attorney fees as set forth hereinafter.
- 2. On September 21, 2015, CMDA was retained and employed by Levi Johnson, pursuant to a contingency fee agreement, to pursue a claim for injuries and damages against the National Football League associated with football-related concussions, head, and brain injuries.
- 3. Mr. Johnson's contingency fee agreement contains the following terms: If no recovery is made, the client will not owe any legal fees or expenses. If CMDA obtains a settlement or judgment for the client, the client will pay to CMDA twenty percent (20%) of the net recovery after reimbursement of expenses.
- 4. From the date CMDA was authorized to proceed on behalf of Mr. Johnson, the Petitioner and other CMDA attorneys have actively and diligently applied themselves to the

00481200-1

investigation, preparation, and pursuit of Mr. Johnson's claims, and have taken all steps necessary to prosecute those claims, including, but not limited to, correspondence and communication with Mr. Johnson on 9/21/2015, 10/22/2015, 2/26/2016, 3/7/2016, 4/18/2016, 4/27/2016, 7/15/2016, 8/31/2016, 9/26/2016, 2/3/2017, and 2/6/2017, preparation and review of Mr. Johnson's factual and legal circumstances, obtaining and reviewing medical records, and facilitating treatment by a neurologist and neuropsychologist on November 3, 2015, May 3, 2016, and June 20, 2016.

- 5. Mr. Johnson has recently discharged the Petitioner and CMDA as his attorneys in this matter.
- 6. The Petitioner and CMDA were not terminated by Mr. Johnson for cause, and the termination was not due to any malfeasance or other improper action on the part of Petitioner and/or CMDA.
- 7. The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Mr. Johnson in this action.

WHEREFORE, the Petitioner requests:

- a. That his attorney's lien be determined;
- b. That the amount of the lien be established;
- c. That the Court order that the Petitioner be entitled to enforce his attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
- d. That Defendant or the Defendant's insurer be prohibited from paying to Mr. Johnson any sums of money until said lien has been satisfied;
  - e. For such other and further relief as this Court deems just.

00481200-1

Respectfully Submitted,

/s/ James R. Acho
Cummings, McClorey, Davis & Acho, P.L.C.
33900 Schoolcraft Road
Livonia, MI 48150
(734) 261-2400
jacho@cmda-law.com
Michigan Bar No. (P-62175)

Dated: April 5, 2017

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/James R. Acho 33900 Schoolcraft Livonia, MI 48150 Phone: (734) 261-2400

Primary E-mail: jacho@cmda-law.com

P 62175

00481200-1 3